

a.) Remarks

The present invention relates to treating atopic dermatitis by ingesting a peroral preparation comprising hydroxyproline or an N-acylated derivative of hydroxyproline, or a salt thereof.

Claims 13 and 15-29 are rejected under 35 U.S.C. §103(a) as being obvious over Kobayashi (EP 1304323) in view of Coirre (U.S. Patent No. 3,932,638) and Takagi (U.S. Patent No. 3,988,466).

In support of this rejection, the Examiner argues that Kobayashi teaches topical agents for improving atopic dermatitis including hydroxyproline or N-acyl hydroxyproline. Kobayashi does not teach or suggest orally administering these compounds to treat atopic dermatitis. However, Coirre teaches treating inflammation by orally administering derivatives of L-hydroxyproline and N-acetylhydroxyproline, and Takagi teaches preventing gastric lesions by oral administering amino acids. Therefore, the Examiner maintains it would have been obvious to one of ordinary skill in the art to treat atopic dermatitis with hydroxyproline or N-acyl hydroxyproline (as in Kobayashi) that is orally administered (in view of Coirre and Takagi).

At the outset, Applicants agree Coirre and Takagi both teach hydroxyproline is non toxic when ingested. However, even so, they do not suggest treating atopic dermatitis by oral administration, even when considered with Kobayashi. That is to say, it would nevertheless not be obvious to orally administer hydroxyproline to treat atopic dermatitis because the working mechanisms of hydroxyproline for treating atopic dermatitis differ in kind from that for treating inflammation or gastric wounds. Accordingly, even though it is known to externally apply hydroxyproline for treating

atopic dermatitis, Applicants respectfully submit it is completely unexpected that hydroxyproline which is orally administered (i) remains undigested and (ii) works the same way as when externally applied to skin.

None of Kobayashi, Coirre and Takagi teaches or suggests that any one disease -- let alone atopic dermatitis -- can be effectively treated by both oral and external administration of hydroxyproline. It is respectfully submitted that it would not have been expected that hydroxyproline, which is effective in treating atopic dermatitis when applied to skin, shows any similar effect when administered orally. Respectfully submitted, the references all evidence that external administration is one thing, but oral administration is quite another.

In view of the above remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 13 and 15-29 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence S. Perry/

Lawrence S. Perry  
Attorney for Applicants  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

LSP\ac

FCHS\_WS 2391979\_1.DOC